

REMARKS

Claims 1-10 are pending. By this Amendment, Claims 1-2 and 4 are amended.

The Form PTO-1449 returned to Applicants with the Office Action lists two U.S. Patents, but there is only one Examiner initialing, located adjacent to the first U.S. Patent (No. 5,818,129) citation. It is not clear whether the Examiner has also considered and made of record U.S. Patent No. 5,854,994, also cited on the Form PTO-1449.

Please confirm that U.S. Patent No. 5,854,994 has been considered and formally made of record.

In the Office Action, the Examiner objects to the specification on grounds that the specification fails to satisfy requirements of 37 CFR 1.75(d)(1) with respect to Claim 5, in particular "transmission using different carrier frequencies" as recited in Claim 5. This objection is respectfully traversed.

37 CFR 1.75(d)(1) states "... terms and phrases used in the claims must find clear support or antecedent basis in the description".

Applicants respectfully submit that the specification at page 8, lines 5-10 clearly supports the recitation of "transmission using different carrier frequencies" recited in Claim 5. Accordingly, withdrawal of the objection to the specification is respectfully requested.

In the Office Action, the Examiner rejects Claim 4 under 35 U.S.C. § 112, second paragraph. Applicants respectfully submit that Claim 4 as amended obviates this rejection. Withdrawal of the rejection is respectfully requested.

In the Office Action, the Examiner rejects Claims 1-4 and 7-9 under 35 U.S.C. § 103(a) over U.S. Patent No. 5,539,394 to Cato, *et al.* (Cato) in view of U.S. Patent No. 5,168,263 to Drucker (Drucker). This rejection is respectfully traversed.

Cato discloses merchandise tags that communicate via wireless transmission with a reader device. The reader interrogates the merchandise tags by sending a message including operational parameters. The tags reply to the interrogation. The operational parameters enable the tags to determine when each tag will send a reply to the reader. See, for example, Cato at column 5, lines 29-31; and column 3, lines 31-37.

Drucker discloses a merchandise tag or “electronic article surveillance tag” having an electrical power source and motion detector circuitry. The motion detector circuitry causes the tag to transition from an inactive state to an active state when the tag is moved. See, e.g., Drucker at column 4, lines 17-19. If motion is not detected within a time interval, then the tag transitions back to an inactive state. See, e.g., Drucker at column 6, lines 8-10. Drucker's tag does not initiate communication with another device, but instead responds to an external message that warns of unauthorized transport. See, e.g., Drucker at column 3, lines 50-66.

In contrast, neither Cato nor Drucker, when considered both separately and in combination, disclose or suggest a sensor that awakens itself, waits for a synchronization signal from a base station, and then transmits data to the base station, as in exemplary embodiments encompassed by the present claims.

In addition, Cato and Drucker fail to disclose or suggest a sensor going to sleep upon receipt of an acknowledgment signal from a base station.

The Examiner refers to Cato at column 6, lines 16-22 as teaching that when a tag receives an acknowledgment from the reader, the tag will not transmit again until requested to do so by the reader.

This fails to disclose or suggest Applicants' claimed invention for at least two reasons.

First, the passage cited by the Examiner (Cato, column 6, lines 16-22) fails to disclose or suggest that the tag goes to sleep. The passage discloses only that the tag will not communicate with the reader until interrogated.

Second, Cato discloses that the reader controls communication between the reader and the tags; the reader interrogates a tag, and after successfully responding to the interrogation (e.g. the reader acknowledges receipt of a tag's reply to the interrogation) the tag is silent until the reader next interrogates it. In contrast, exemplary embodiments of the present invention encompassed by the claims disclose that the sensor controls the communication; the sensor wakes itself up, communicates with a base station, and then goes back to sleep.

For at least the above reasons, the asserted combination of Cato and Drucker fails to disclose or suggest a method for wireless transmission of data by a sensor unit of a sensor via a communication unit to a base station, the method comprising a sequence a) the communication unit receiving a wake-up signal from the sensor unit, b) the communication unit transferring from a sleep mode into an active mode, c) the communication unit switching on a receiver of the communication unit, d) the communication unit awaiting reception of a modulated synchronization signal of the base station, e) the communication unit sending a modulated data signal to the base station following a prescribed time after reception of the modulated synchronization

signal, f) the communication unit awaiting reception of a modulated acknowledgement signal from the base station, g) the communication unit transferring from the active mode to the sleep mode in the case of the reception of the modulated acknowledgement signal from the base station, and h) the communication unit sending a modulated data signal again in the case of no reception of the modulated acknowledgement signal and continuing in accordance with step f), as recited in Claim 1, and similar features recited in Claim 8.

For at least the above reasons, Applicants request withdrawal of the rejection of Claims 1-4 and 7-9 under 35 U.S.C. § 103(a) over Cato in view of Drucker.

In the Office Action, the Examiner rejects Claim 5 under 35 U.S.C. § 103(a) over a combination of Cato, Drucker and U.S. Patent No. 6,218,929 to Furuta, *et al.* (Furuta). This rejection is respectfully traversed. Claim 5 depends from Claim 1, and Furuta fails to overcome the deficiencies of Cato and Drucker set forth above with respect to Claim 1. Accordingly, Claim 5 is likewise allowable for at least the same reasons. Withdrawal of the rejection of Claim 5 under 35 U.S.C. § 103(a) over the combination of Cato, Drucker and Furuta is respectfully requested.

In the Office Action, the Examiner rejects Claims 6 and 10 under 35 U.S.C. § 103(a) over a combination of Cato, Drucker and U.S. Patent No. 5,309,144 to Lacombe, *et al.* (Lacombe). This rejection is respectfully traversed. This rejection is respectfully traversed. Claims 6 and 10 depend respectively from allowable Claims 1 and 8, and Lacombe fails to overcome the deficiencies of Cato and Drucker set forth above with respect to Claims 1 and 8. Accordingly, Claims 6 and 10 are likewise allowable for at least the same reasons. Withdrawal of the rejection of Claims 6 and


10 under 35 U.S.C. § 103(a) over the combination of Cato, Drucker and Lacombe is respectfully requested.

Applicants respectfully submit that the application is in condition for allowance. Favorable consideration on the merits and prompt allowance are respectfully requested. In the event any questions arise regarding this communication or the application in general, please contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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